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PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of
David B. Johnson, et al.

Appln. No.: 10/626,529

Group Art Unit: 3652

Confirmation No.: 1112

Examiner: Michael S. LOWE

Filed: July 25, 2003

For: EXTENDER ARM

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. A check for the statutory fee of \$250.00 is attached. A duplicate copy of this paper is attached.

Respectfully submitted,

David B. Johnson

Date: March 23, 2006

Telephone: (703) 519-7685



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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, we submit the following:

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Appeal Brief Under 37 CFR §41.37
US Appln. 10/626,529

David B. Johnson
Jeffrey A. Schmidt
Extender Arm

I. REAL PARTY IN INTEREST

The real parties in interest are David B. Johnson and Jeffrey A. Schmidt, the inventors of the subject matter of the above-identified application.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that would be directly affected by, or would directly affect, the decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-14 are pending, have been rejected, and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

An Amendment Under 37 CFR §1.116 is being filed concurrently herewith. However, the Amendment does not make any changes to the claims (it merely adds a new figure, corresponding to subject matter incorporated into the application by reference, in response to the objection to the drawings). Therefore, the claims stand as presented before the Final Office Action of July 22, 2005.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

As set forth in claim 1, and with reference to Fig. 1, for example, the claimed subject matter is directed to an extender-arm comprising:

a handle section 10, said handle section comprising an actuator 12, a proximal end (right side of the figure), and a distal end (left side of the figure), wherein a tool receiving socket 14 (see also Figs. 2A and 2B) is disposed at said proximal end, said tool receiving socket 14 including a connection structure 14', 14'' for connection with a tool (see Fig. 3, element 100, for example) inserted in said socket 14; and

an open-and-close section 30 connected to said distal end of said handle section 10 so as to be operable by said actuator 12.

See, also, the specification at: page 3, line 1 - page 4, line 8; page 4, line 16 - page 5, line 10; page 8, line 8 - page 9, line 4.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- (1) Claims 1-5, 10, and 11, stand rejected under §103(a) as being unpatentable over US Patent 4,726,263 to Lake (hereinafter Lake) in view of US Patent 6,419,371 to McCalla (hereinafter McCalla).
- (2) Claims 6-8 stand rejected under §103(a) as being unpatentable over Lake in view of McCalla, and further in view of US Patent 6,390,427 to McConnell (hereinafter McConnell).
- (3) Claim 9 stands rejected under §103(a) as being unpatentable over Lake in view of McCalla, and further in view of US Patent 6,419,371 to Kalidindi (hereinafter Kalidindi).
- (4) Claim 12 stands rejected under §103(a) as being unpatentable over Lake in view of McCalla, and further in view of US Patent 6,419,371 to Miller (hereinafter Miller).
- (5) Claim 13 stands rejected under §103(a) as being unpatentable over Lake in view of McCalla, and further in view of US Patent 5,116,093 to Burns (hereinafter Burns).

VII. ARGUMENT

(1) The Examiner rejected claims 1-5, 10, and 11, under §103(a) as being unpatentable over US Patent 4,726,263 to Lake (hereinafter Lake) in view of US Patent 6,419,371 to McCalla (hereinafter McCalla). We respectfully traverse this rejection because the references fail to teach or suggest all of the elements as set forth and arranged in the claims.

Claim 1 sets forth a handle section having a proximal end and a distal end, wherein a tool receiving socket is located at the proximal end, and an open-and-close section is located at the distal end. By way of non-limiting example, as shown in Fig. 1, one embodiment of the invention consistent with that set forth in claim 1 is an extender arm comprising a handle section 10 having at its proximal end a tool receiving socket 14, and having at its distal end an open-and-close section 30.

As set forth in the specification, the open-and-close section 30 may be formed in the manner of gripping fingers such as disclosed in US Patent 6,520,556—incorporated into the present specification by reference thereto. See, for example, the present specification at the paragraph bridging pages 8 and 9. Further, the open-and-close section may be formed as a pliers, scissors, or the like. Again, see the paragraph bridging pages 8 and 9.

In contrast to that set forth in claim 1, Lake fails to teach or suggest an open-and-close section. The Examiner cites gripping end 12 or lever arm 15 as the open-and-close section as claimed. However, gripping end 12 does not open and close. Instead, it is configured in the manner of a bicycle handle grip 21. Moreover, lever arm 15 does not open and close but, instead, serves as a spring to bias lock spring button 13 within holes 14. Moreover, lever arm 15 is disposed within the sleeve side 10a of the handle 10 so that it may not grip or interact with anything outside of the tool. Accordingly, Lake fails to teach or suggest an open-and-close-section as claimed.

The Examiner cites McCalla as teaching a device with tools on both ends, the handle section having a socket. However, McCalla fails to teach an open-and-close section as claimed.

Therefore, for the sake of argument alone, even assuming that one of ordinary skill in the art were motivated to combine McCalla and Lake as the Examiner has suggested, any such combination would still not teach or suggest an open-and-close section as we have claimed.

For at least any of the above reasons, Lake and McCalla fail to render obvious our independent claim 1. Likewise, these references fail to render obvious our dependent claims 2-5, 10, and 11. However, for the following additional reasons, we respectfully traverse this rejection as it applies to claims 3, 5, and 14.

Claim 3 sets forth that the open-and-close section is a gripping section. Again, as set forth in the specification, by way of non-limiting example, the gripping section is in the manner of a pliers, or gripping fingers as in US Patent 6,520,556, i.e., something that would allow a user to grasp onto an object; not something that allows the user to grasp the tool. In contrast to that set forth in claim 3, Lake teaches that the gripping end 12 is in the manner of a bicycle handle grip 21, which allows the user to grip the tool.

Claim 5 sets forth that the extender-arm further comprises a rechargeable power supply. In contrast to that set forth in claim 5, McCalla merely discloses a generic power source. Specifically, McCalla teaches that his light module 50 may include a power means for energizing the light source 60, wherein the power means can be any energy source such as chemical energy or electrical energy, even batteries. See col. 5, lines 47-58. However, McCalla does not specifically teach or suggest that the power supply is rechargeable, as set forth in claim 5.

Claim 14 specifically sets forth, in addition to that in claim 3, that the gripping section is configured so as to be capable of grasping and holding an object. There is absolutely nothing about Lake's bicycle handle 12 that would render it capable of grasping and holding an object.

(2) The Examiner rejected claims 6-8 under §103(a) as being unpatentable over Lake in view of McCalla, and further in view of US Patent 6,390,427 to McConnell (hereinafter McConnell). We respectfully traverse this rejection because the references fail to teach or suggest all of the elements as set forth and arranged in the claims.

As noted above, your suggested combination of Lake and McCalla is deficient. Further, McConnell does nothing to cure the above-noted deficiencies. Accordingly, for the sake of

argument alone, even assuming that one of ordinary skill in the art were motivated to combine the references as suggested by the Examiner, any such combination would still not teach or suggest all the elements as claimed.

(3) The Examiner rejected claim 9 under §103(a) as being unpatentable over Lake in view of McCalla, and further in view of US Patent 6,419,371 to Kalidindi (hereinafter Kalidindi). We respectfully traverse this rejection because the references fail to teach or suggest all of the elements as set forth and arranged in the claims.

As noted above, the Examiner's suggested combination of Lake and McCalla is deficient. Further, Kalidindi does nothing to cure the above-noted deficiencies. Accordingly, for the sake of argument alone, even assuming that one of ordinary skill in the art were motivated to combine the references as suggested by the Examiner, any such combination would still not teach or suggest all the elements as claimed.

(4) The Examiner rejected claim 12 under §103(a) as being unpatentable over Lake in view of McCalla, and further in view of US Patent 6,419,371 to Miller (hereinafter Miller). We respectfully traverse this rejection because the references fail to teach or suggest all of the elements as set forth and arranged in the claims.

As noted above, your suggested combination of Lake and McCalla is deficient. Further, Miller does nothing to cure the above-noted deficiencies. Accordingly, for the sake of argument alone, even assuming that one of ordinary skill in the art were motivated to combine the references as suggested by the Examiner, any such combination would still not teach or suggest all the elements as claimed.

(5) The Examiner rejected claim 13 under §103(a) as being unpatentable over Lake in view of McCalla, and further in view of US Patent 5,116,093 to Burns (hereinafter Burns). We respectfully traverse this rejection because the references fail to teach or suggest all of the elements as set forth and arranged in the claims.

As noted above, the Examiner's suggested combination of Lake and McCalla is deficient. Further, Burns does nothing to cure the above-noted deficiencies. Accordingly, for the sake of argument alone, even assuming that one of ordinary skill in the art were motivated to combine

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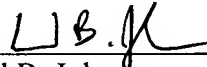
David B. Johnson
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Extender Arm

the references as suggested by the Examiner, any such combination would still not teach or suggest all the elements as claimed.

Conclusion

A check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c).

Respectfully submitted,



David B. Johnson

Date: March 23, 2006

Telephone: (703) 519-7685

CLAIMS APPENDIX

Claims 1-14 on Appeal:

1. An extender-arm comprising:
a handle section, said handle section comprising an actuator, a proximal end, and a distal end, wherein a tool receiving socket is disposed at said proximal end, said tool receiving socket including a connection structure for connection with a tool inserted in said socket; and
an open-and-close section connected to said distal end of said handle section so as to be operable by said actuator.
2. The extender-arm according to claim 1, further comprising an extension section disposed between said open-and-close section and said distal end of said handle to thereby connect said open-and-close section to said handle section.
3. The extender-arm according to claim 1, wherein said open-and-close section comprises a gripping section.
4. The extender-arm according to claim 1, wherein said connection structure comprises one that is both electrically and mechanically connective.
5. The extender-arm according to claim 1, further comprising a rechargeable power supply electrically connected to said connection structure.
6. The extender-arm according to claim 2, further comprising an ancillary device disposed on said extension section.

7. The extender-arm according to claim 6, wherein said ancillary device is a cellular phone holding clip.

8. The extender-arm according to claim 6, wherein said ancillary device is a coin holding structure.

9. The extender-arm according to claim 2, wherein said extension section is flexible so as to allow said gripping section to be disposed at an angle relative to said handle section.

10. An extender-arm system comprising:
the extender-arm according to claim 1, and a mounting post having a cross sectional shape complementary to that of said socket for removably mounting said mounting post to said extender arm.

11. An extender-arm system comprising:
the extender-arm according to claim 1, and a removable flashlight tool having a cross sectional shape complementary to that of said socket for removably mounting said flashlight tool to said extender arm.

12. An extender-arm system comprising:
the extender arm according to claim 1, and a removable ice scraper tool having a cross sectional shape complementary to that of said socket for removably mounting said ice scraper tool to said extender arm.

13. An extender-arm system comprising:
the extender arm according to claim 1, and a re-sealable pouch for holding tools mountable within said socket.

14. The extender-arm according to claim 3, wherein the gripping section is configured so as to be capable of grasping and holding an object.

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EVIDENCE APPENDIX:

Pursuant to 37 C.F.R. § 41.37(c)(1)(ix), **there is not any** evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other evidence entered by the Examiner and relied upon by us in the appeal.

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RELATED PROCEEDINGS APPENDIX

There are no decisions rendered by a court or the Board in any proceeding identified about in Section II pursuant to 37 C.F.R. § 41.37(c)(1)(ii).